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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,045	05/10/1999	YASSIR K. ELLEY	112047-0012	7029

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CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210

EXAMINER

WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 04/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

**Office Action Summary**

Application N .

09/309,045

Applicant(s)

ELLEY ET AL.

Examiner

Norman M. Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**NORMAN M. WRIGHT**  
**PRIMARY EXAMINER**

***Drawings***

1. The drawings have been objected to by the draftsman, please see PTO-948 for the required corrections. Accordingly, new drawings are required in reply to this Office action.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2, 7-9, 13-15, 17, 22-24, 28-30, 37-42, 49-54, 61-66, are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for having a certificate issued for a exclusive member groups, it does not reasonably provide enablement as to how one would determine and produce the non-member groups, certificates, lists etc. that are to be utilized in the establishing of non membership proof. It apparent from the recitation in the specification, that the proof of non-membership is more than merely proving that ones names or credentials doesn't appear on an access list, certificate, or group of entities that are to have access. But is a determined and conscience effort that requires validation of non-membership to be put on in a non-membership group, list or certificate. Applicant does perform a boolean function for ensuring group exclusivity of membership, but the non-membership is not clearly understood. Especially, since it logically flows that if a person is not a recognized member of a particular group, than he could reasonable considered that proof of non-membership within the very same group. The specification does not

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enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to sufficient detailed description or adequate enablement to make or use the invention commensurate in scope with the claims as recited above.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 7-9, 13-15, 17, 22-24, 28-30, 37-42, 49-54, 61-66, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 3-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

7. As per claims 2, 7-9, 13-15, 17, 22-24, 28-30, 37-42, 49-54, 61-66, specifically it is not understood how the non-member certificates, list and group are provided proof of non-membership.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-30, re rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gasser et al., U.S. Pat. No. 5,220,604, hereinafter '604.

10. As per claims 1-30, '604 substantially teaches a method and system for performing group exclusion in hierarchical group structures comprising: obtaining proof of group membership, requesting certificate (cert) membership, determining means, issuing group membership certificates, making a dynamic decision, a second group member-ship, group membership cert., group membership lists, and providing requester proof of membership and similarly non-group cert., and memberships. (figs. 1c, 3-4, 10-12, abs., col. 2, lines 15-40 et seq., col. 2, lines 65-68 et seq., col. 3, lines 1-5 et seq., 15-20, 45-68, col. 7-8, col. 4, lines 41-55 et seq., col. 7, lines 60-65 et seq., col. 8, lines 55 et seq., col. 10, lines 60-65 et seq., col. 11, lines 9-15, 25-35, col. 12, col. 13, lines 50-67 et seq., col. 14, line 1-67, col. 15, lines 5-10, and 30-39, col. 17, lines 60-65, col. 18, col. 19, lines 35-68, cols. 20 et seq., and claims 1-3).

11. Claims 31-54, recite a concomitance of the previously recited and rejected claim features, and thus fails to distinguish over the rejected claims 1-30. Accordingly, they are rejected upon the same rationale; see above for the specifics of the rejection.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 55-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gasser et al., U.S. Pat. No. 5,220,604, hereinafter '604 as applied to rejected claims 1-54 above.

14. As to claims 55-66, they distinguish over the rejected claims 1-54 by embodying the invention as a carrier wave for causing the computer to perform a sequence of instructions. The examiner takes official notice of both the motivation and the modification needed to perform the invention of '604 in a wireless network. One of ordinary skill in the art at the time of the invention, would have had a motivation to perform the necessary modifications to integrate the invention in a wireless network by performing the necessary protocols recognition, interfaces and signal generation means to allow one to utilize a distributed wireless network as is the convention in the data processing arts. Moreover, '604 in figure 1C shows that his invention may be utilized in a wireless network as evidenced by the wireless workstations that are connected to his system.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Norman M. Wright at telephone number (703) 305-9586.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (703) 305-9586. The examiner can normally be reached on Tuesdays-Fridays from 8am to 5 pm, and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER